

### **REMARKS/ARGUMENTS**

Claims 1-15 are currently pending in the application.

Claims 1 and 7 are presently amended. New Claim 15 is added. Claim 13 was indicated as allowable by the Examiner, but objected to as dependent upon a rejected base claim. Claims 1-12 and 14 were rejected by the Examiner. The rejections are respectfully traversed.

The Examiner has objected to an informality in Claim 7 regarding use of parentheses for reference numerals. The Applicant has amended the claim to remove the reference numeral. The Applicant has also amended the Abstract, as requested.

Claim 13 was indicated as allowable by the Examiner, but objected to as dependent upon a rejected base claim. The Applicant has added new Claim 15 which is original Claim 13, rewritten as an independent claim, and having the limitations of original Claim 1 and interceding original Claim 12. Therefore, the Applicant believes that new Claim 15 is allowable, as written.

The Examiner rejected Claims 1-5 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 2,606,770 to Reichert. The Examiner indicated that Reichert discloses in its figures 1-3 "a foldable wheel for hand truck, which can be used as a guide cart comprising a frame (5) on which are disposed at least three wheels (as shown in figure 2) and a first strut (12) and a second strut (24) for effecting mounting of at least one of the wheels on the frame, wherein the first strut is rotatably mounted on the frame, and wherein for a mounting of the second strut on the frame at least two spaced-apart mounting points are provided." The Applicant respectfully traverses the rejection.

Independent Claim 1, from which Claims 2-5 also depend, as amended, clearly sets out that the guide cart first strut is disposed on a base section of the frame essentially perpendicular to an upright section of the frame. This perpendicular extension, not present in the '770 patent nor the other cited art, provides an additional angled section within the frame/strut arrangement and allows for all-wheel contact at all times. The '770 patent to Reichert teaches away from such use. In column 2, lines 8-17, a "lowered position" and a "raised position out of contact with the ground, as shown in Figure 3" are disclosed, therefore showing no teaching or suggestion that the leg or prop is to be engaged in extended use, but merely that it is a "foldable wheel" as disclosed in the title, and at column 1, lines 3 and 13, and at column 2, line 41 within the sole claim. As a result, the Applicant respectfully requests that the rejection be withdrawn.

The Examiner has also rejected Claims 1-12 and 14 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,155,527 to Sjoberg. The Examiner indicated that Sjoberg, in figures 1-3, "discloses a trolley with supporting stand, which can be used as a guide cart comprising a frame (1) on which are disposed at least three wheels (as shown in figure 2) and a first strut (4) and a second strut (8) for effecting mounting of at least one of the wheels on the frame, wherein the first strut is rotatably mounted on the frame, and wherein for a mounting of the second strut on the frame at least two spaced-apart mounting points are provided." The Applicant respectfully traverses the rejections.

Independent Claim 1, from which Claims 2-12 and 14 also depend, as amended, sets forth a frame having a base section essentially perpendicular from an upright section, wherein the first strut extends from the base section. This

perpendicular extension, not present in the '527 patent nor the other cited art, provides an additional angled section within the frame/strut arrangement and allows for all-wheel contact at all times. The '527 patent to Sjoberg teaches away from such use. Sjoberg's Fig. 3 depicts use on a vertical surface and the specification teaches tilting of the stand and raising the rear wheels from the ground to allow driving of the tool into the ground (Column 2, lines 36-42). Contrarily, the present invention utilizes its adjustable height to determine tool setting depth, and does not require the wheels to be removed from the ground, greatly enhancing stability. As a result, the Applicant respectfully requests that the Examiner withdraw the rejection.

The Applicant believes that all claims should now be in line for allowance. The Applicant has attempted to be fully responsive to the office action. However, should the Examiner have further comments or suggestions, the undersigned would very much appreciate a telephone call in order to discuss any outstanding issues and to expedite placement of the application into condition for allowance.

Respectfully submitted,



Robert W. Becker, Reg. 26,255  
Attorney for Applicant(s)

ROBERT W. BECKER & ASSOCIATES  
707 Highway 66 East, Suite B  
Tijeras, New Mexico 87059

Telephone: 505 286 3511  
Telefax: 505 286 3524

RWB:KCF:mac